



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 6, 2005

Mr. Leonard V. Schneider  
Ross, Banks, May, Cron & Cavin  
2 Riverway, Suite 700  
Houston, Texas 77056

OR2005-02966

Dear Mr. Schneider:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 221579.

The City of League City (the "city"), which you represent, received a request for information related to a particular incident. You state that the city has released most of the requested information but claim that the marked portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 826.0211 of the Health and Safety Code provides, in pertinent part, that "[i]nformation that is contained in a rabies vaccination certificate that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the vaccinated animal is confidential and not subject to disclosure under Chapter 552, Government Code." Health & Safety Code § 826.0211(a). However, information made confidential by this section may be disclosed "to a governmental entity for purposes related to the protection of public health and safety." Health & Safety Code § 826.0211(b). In this instance, the requestor is not a governmental entity, and therefore, section 826.0211(b) is inapplicable. We note, however, that section 826.0211 was intended protect the privacy of pet owners. House Comm. on County Affairs, Bill Analysis, Tex. H.B. 3262, 76th Leg., R.S. (1999) (provision intended

to prevent “businesses” from gaining access to “personal information”). A person has a right to information that is excepted from public disclosure by a law intended to protect a person’s privacy interest as the subject of the information. *See* Gov’t Code § 552.023. We note that the city might ordinarily be required to withhold the information it has marked from the submitted vaccination records under section 552.101. In this instance, however, a portion of the marked information relates to the requestor. The requestor therefore has a special right of access to the information in question, and the information may not be withheld from her under section 552.101 in conjunction with section 826.0211(a). *See* Gov’t Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). However, the city must withhold the identifying information in the vaccination certificate that does not pertain to the requestor that it has marked pursuant to section 552.101 in conjunction with section 826.0211(a) of the Health and Safety Code.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general’s Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Tex. Dep’t of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in cursive script, reading "L. Joseph James".

L. Joseph James  
Assistant Attorney General  
Open Records Division

LJJ/seg

Ref: ID# 221579

Enc. Submitted documents

c: requestor  
(w/o enclosures)